THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.11157 OF 2007

DATED: 09-07-2007

BETWEEN

Ajay Kumar Dochania,
S/o. Amarnadh Dochania,
Occ: Business,
R/o. H.No.8-2-686/K/16,
Road No.12, Banjara Hills,
Hyderabad and another.

...PETITIONERS

AND

The Station House Officer,
Jinnaram Village and Mandal,
Medak District and another.

...RESPONDENTS

ORDER:

Petitioners submit that the first petitioner is the owner of land in an extent of Ac.6.00 guntas in Sy.No.261/2 to 19 and 23 situated at Annaram Village, Jinnaram Mandal, Medak District and the second petitioner is the Agreement Holder cum GPA of the owners of the land to an extent of Ac.55.00 guntas.

2. The petitioners seek a Writ of Mandamus to direct the second respondent to grant permission for construction of compound wall around the land in Sy.No.261/2 to 19 and 23. The second petitioner being the agreement holder alone, I am of the opinion that the title has not been passed in his favour, therefore, he is not entitled to make any construction, as he is not a legal owner. Therefore, the writ petition is dismissed against the second

petitioner with a liberty to file a fresh writ petition after getting the sale deed along with other owners seeking such relief.

3. Insofar as the first petitioner is concerned, it is stated that the he made an application to the second respondent requesting him to specify the amount of fees that has to be paid for the permission for the construction of the compound wall. A perusal of the said application dated 13.10.2006 goes to show that the first petitioner alone filed the application seeking permission to construct the compound wall around the land in an extent of 63 acres. I am of the opinion that the first petitioner cannot seek permission for 63 acres as he is the owner of 6 acres alone situated in Sy.No.261/2 to 19 and 23 whereas the application goes to show that the land is situated in Sy.No.261. However, pursuant to the said application the first petitioner was informed that as no lay out is sanctioned by the competent authority, in the absence of lay out sanction it is not possible to sanction permission for construction of compound wall.

4. I am of the opinion that in respect of agricultural lands the question of sanction of any lay out by any competent authority does not arise. It is open for the agriculturists either to fence their lands or construct a compound wall by obtaining necessary permission from the Gram Panchayat. Insofar as fencing is concerned no permission is required but insofar as compound wall is concerned, it is for the concerned Gram Panchayat to consider and dispose the application seeking permission without reference to any layout sanction.

5. Having regard to the facts and circumstances of the case, the first petitioner is directed to filed a fresh application with regard to sanction of permission for construction of compound wall around his land in respect of Ac.6.00 guntas by paying necessary fee and on receipt of such an application, the second respondent is directed to consider and dispose the same within four weeks thereafter by duly considering his request in

accordance with law without reference to any layout sanction by the competent authority.

The writ petition is accordingly disposed of insofar as the first petitioner is concerned. There shall be no order as to costs.

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V. ESWARAIAH, J

July 9, 2007
DSK